

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Applicant has rewritten all claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over the prior art.

Claims 1-45 are in this case. Claims 2,29 were rejected under 35 U.S.C. 112.

Claims 1-13, 16-18, 23-24, 44-45 were rejected under 35 U.S.C. §103(a) as being unpatentable over McHann (US patent 5,991,806) in view of Admitted Prior Art (APA).

Claims 14,15,19-21,25-29,31-34 were rejected under 35 U.S.C. §103a as being unpatentable over McHann (US patent 5,991,806) in view of Admitted Prior Art (APA and further in view of Mintz (US patent 6,532,414)

Claims 1-45 are hereby canceled without prejudice and are replaced by new claims 46-57.

While continuing to traverse the Examiner's rejections, and without in any way prejudicing the patentability of the rejected claims, the Applicant has, in order to expedite the prosecution, chosen to amend the claims. The Applicant has chosen to cancel claims 1-45 and submit substitute claims 46-57, thereby rendering moot Examiner's rejections.

The References and Differences of the Prior Invention Thereover:

Prior to discussing the claims, Applicant will first discuss the references and the general novelty of the present invention and its unobviousness over the references.

The present invention involves moving objects, *e.g.* vehicles that interact with each other using peer to peer (point-to-point) communications. For example, the vehicles "learn" the traffic conditions ahead, to find the optimal route to their respective destinations. The learning is achieved by aggregation and dissemination of information. Each vehicle aggregates information during travel. When two or more vehicles are in communication the vehicles interact by exchanging stored aggregated

information. In this way vehicles receive other vehicles information and can learn about the traffic conditions on the road ahead.

McHann proposes a system for better network management and control. McHann discloses a way to manage a network computer. Applicant respectfully submits that there is no connection between the present application and McHann. The main differences are as follows:

In McHann, the purpose is to manage a fixed network of computers, in the present invention, the purpose is to learn about the environment.

McHann discloses a method/system that optimizes the communication message for control. The present invention discloses a method to aggregate and disseminate information. In McHann the computers are fixed at any given time, either fixed computers or mobile computers (laptops) that are at a given location. In the present invention the whole point is related to the fact that the computers are within traveling vehicles.

Mintz proposes a method to collect traffic information. In Mintz, the disclosed method works as follows: A small percentages of vehicles are equipped each with a special device. Each vehicle receives a request from a central mapping location to send its traffic condition. The traffic information from the different vehicles is received in the central location where a map can be constructed and distributed. A difference between the present application and Mintz is the difference between a central system and a peer to peer (point to point) application system.

Aggregation and dissemination in APA, for instance, work in a central way. The aggregated (collected) information is sent to a central location, at the central location the information is processed and sent back (disseminated) to the objects. In the present application a new method is disclosed where there is no central location. In Mintz, each object sends, processes and receives information from its peers.

Rejections under § 103(a)

Claims 1-13, 16-18, 23-24, 44-45 were rejected under 35 U.S.C. 103(a) as being unpatentable over McHann (US patent 5,991,806) in view of Admitted Prior Art (APA).

Claims 14,15,19-21,25-29,31-34 were rejected under 35 U.S.C. §103a as being unpatentable over McHann (US patent 5,991,806) in view of Admitted Prior Art (APA and further in view of Mintz (US patent 6,532,414)

The Rejection of Independent Claim 1 on McHann, Mintz and APA Overcome

Prior Office Action rejected independent claim 1 on McHann and admitted prior art. Independent claim 1 has been rewritten as new claim 46 to define patentably over these references and any combination thereof. Applicant requests reconsideration of this rejection, as now applicable to new claim 46 as well as new parallel independent method claim 57.

Specifically, claims 46 and 57 recite transfer of information in "a peer to peer fashion in immediate vicinity" between "moving vehicles". Neither McHann, Mintz nor APA teach "peer to peer" transfer of information. Furthermore, "mobile computer" as taught in McHann is a "portable computer" fixed in space, not a computer transferring information while traveling. Furthermore, claims 46 and 57 recite "processed information" which "changes with time pertaining to the moving vehicles" which are not taught in McHann, and APA.

Furthermore, there is no justification in McHann, Mintz or APA which suggests that these references should be combined, much less be combined in the manner proposed. It is well known that in order for any prior art references themselves to be validly combined for use in a prior art §103 rejection, *the references themselves* (or some other prior art) must suggest they are combined, as stated in *e.g.* re Sernaker 217 U.S.P.Q. 1,6 (C.A.F.C 1983):

"Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantages to be derived from combining their teachings".

In line with this decision, the Board stated in *Ex parte Levengood* 28, U.S.P.Q.2d 1300 (P.T.O.B.A&I. 1993):

"In order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present *evidence*, preferably in the form of some

teaching, suggestion, incentive or inference in the applied art, or in the form of generally available knowledge”

Moreover, the suggestion to combine the references should not come from Applicant was forcefully stated in Orthopedic Equipment Co v. United States, 217 U.S.P.Q., 193,199 (C.A.F.C. 1983):

“It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way to achieve the result of the claims...”

**Novel physical features of Independent claims 46 and 57
Produce New and Unexpected Results**

Applicants submit that the novel physical features of claims 46 and 57 are also unobvious and hence patentable under §103 since they produce new and unexpected results.

These new and unexpected results are the ability of the Applicant's system to provide wide area real time aggregated information, *e.g.* traffic status over hundreds of miles, by communicating with other moving vehicles within the immediate vicinity.

As such, the present invention omits elements, *e.g.* communications towers or central communications equipment, as compared with prior art, *e.g.* Mintz. As such, the present invention is operable in rural areas where an investment in central infrastructure is not justified.

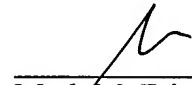
The present invention, which uses “peer to peer networking” applies a principle of operation hitherto not employed in moving vehicles.

The Applicant respectfully submits that independent claims 46 and 57 are in condition for allowance thereby necessarily rendering claims 47-56 (dependent claims) also allowable.

Conclusion

For all of the above reasons, Applicant submits that the specification and claims are now in proper form and that the claims all define patentably over the prior art. Therefore, Applicant submits that this application is now in condition for allowance. Prompt notice of allowance is respectfully and earnestly solicited.

Respectfully submitted,



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